

Los Angeles
World Airports

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RESOLUTION NO. 26246

WHEREAS, on recommendation of Management, there was presented for approval, Fifth Amendment to Contract DA-4859 with Morrison & Foerster LLP to increase contract funding by \$5,400,000 for continued litigation support regarding Runway 25L and related runway litigation involving Los Angeles World Airports; and

WHEREAS, Los Angeles World Airports (LAWA) filed a lawsuit against the contractor, Tutor-Saliba/O&G Industries JV, and others, who built Runway 25L several years ago at a cost of nearly \$300 Million. The litigation stems from the deterioration to the concrete surface of Runway 25L; and

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Chief Executive Officer

WHEREAS, the Runway 25L litigation was filed in October 2013 and, therefore, must proceed to trial by October 2018. The case, which is venued downtown in the Complex Litigation Court, was recently transferred from Judge Berle to Judge Carolyn Kuhl. The parties anticipate a Summer 2018 trial. In their Status Conference Questionnaire, the Defendants stated they are anticipating that there will be 50 to 100 non-expert depositions and 20 to 25 expert depositions taken in the litigation. The City and the Defendants will be required to produce massive Electronically Stored Information as well as other documentation. There is likely to be significant dispositive motions brought requiring extensive pre-trial research and briefing. Because of the number of parties involved, it is anticipated trial will take 3 to 4 weeks; and

WHEREAS, funds for the Fifth Amendment are requested in Fiscal Year 2017-2018 LAWA Operating Budget on Cost Center 1110004 - Legal Services Division, Commitment Item 520 - Contractual Services. Funds for subsequent periods will be requested as part of the annual budget process; and

WHEREAS, this action, as a continuing administrative and personnel-related activity, is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II Section 2(f) of the Los Angeles City CEQA Guidelines; and

WHEREAS, Morrison & Foerster LLP will be required to comply with the provisions of City Charter Section 609(e) and related ordinances; and

WHEREAS, Morrison & Foerster LLP is required by contract to comply with the provisions of the Living Wage Ordinance; and

WHEREAS, Morrison & Foerster LLP is required by contract to comply with the provisions of the Affirmative Action Program; and

WHEREAS, Morrison & Foerster LLP has been assigned Business Tax Registration Certificate 0000006537-0001-6; and

WHEREAS, Morrison & Foerster LLP is required by contract to comply with the provisions of the Child Support Obligations Ordinance; and

WHEREAS, Morrison & Foerster LLP has approved insurance documents, in the terms and amounts required, on file with LAWA; and



WHEREAS, Morrison & Foerster LLP has submitted the Contractor Responsibility Program Pledge of Compliance, and will comply with the provisions of the Contractor Responsibility Ordinance; and

WHEREAS, Morrison & Foerster LLP must be determined by the Office of Contract Compliance to be in full compliance with the provisions of the Equal Benefits Ordinance prior to execution of the Fifth Amendment; and

WHEREAS, Morrison & Foerster LLP will comply with the provisions of the First Source Hiring Program for all non-trade Los Angeles International Airport jobs; and

WHEREAS, Morrison & Foerster LLP has submitted the Bidder Certification City Ethics Commission (CEC) Form 50 and Bidder Contributions CEC Form 55 and comply with its provisions; and

WHEREAS, the Fifth Amendment will become final pursuant to the provisions of Los Angeles City Charter Sections 272 and 373;

NOW, THEREFORE, BE IT RESOLVED that the Board of Airport Commissioners determined that this action is exempt from the California Environmental Quality Act requirements; adopted the Staff Report; found that, pursuant to Charter Section 371(e)(2), competitive bidding for these professional services would not be practicable or advantageous; further found that, pursuant to Charter Section 371(e)(10), competitive bidding for this work would be undesirable, impractical or impossible; further found that, pursuant to Charter Section 1022, this work can be performed more economically or feasibly by an independent contractor than by City employees; approved the Fifth Amendment to Contract DA-4859 with Morrison & Foerster LLP, adding an additional \$5,400,000 in contract authority to allow continued litigation support regarding Runway 25L and related runway litigation for Los Angeles World Airports; and authorized the Chief Executive Officer to execute said Fifth Amendment upon approval as to form by the City Attorney and upon approval by the City Council.

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I hereby certify that this Resolution No. 26246 is true and correct, as adopted by the Board of Airport Commissioners at its Regular Meeting held on Thursday, June 1, 2017.



Sandra J. Miller – Secretary
BOARD OF AIRPORT COMMISSIONERS